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 BLOCKBUSTER INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC., a Delaware corporation,

Plaintiff,

v.

BLOCKBUSTER, INC., a Delaware
 corporation, DOES 1-50,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. C 06 2361 WHA (JCS)

**BLOCKBUSTER'S UNOPPOSED
 MOTION TO EXTEND EXPERT
 REPORT DEADLINE ONE WEEK
 BECAUSE OF UNEXPECTED
 SURGERY; PROPOSED ORDER**

Complaint Filed: April 4, 2006

BLOCKBUSTER'S UNOPPOSED MOTION TO EXTEND EXPERT REPORT DEADLINE ONE WEEK
 BECAUSE OF UNEXPECTED SURGERY; PROPOSED ORDER
 CASE NO. C 06 2361 WHA (JCS)

Defendant and Counterclaimant, Blockbuster Inc., by and through undersigned counsel, will and hereby moves this Court for an order amending the Court's Case Management Order because of an unexpected medical problem requiring that Blockbuster's damages expert undergo cancer surgery on less than a week's notice and during the same week when his report is due.

Blockbuster retained Jeffrey Kinrich as its damages expert and arranged for him to respond to the damages report submitted on Friday, May 4, by Netflix's expert, David Teece. With that work in progress, Blockbuster's counsel learned for the first time on the afternoon of Wednesday, May 9, 2007, that Mr. Kinrich had just been scheduled to undergo cancer surgery the following Tuesday, May 15, 2007. Mr. Kinrich himself had just learned of the need for the surgery the preceding day.

Mr. Kinrich's surgery is scheduled during the same week in which his responsive report on damages is currently due. Blockbuster seeks a one week extension of time to permit Mr. Kinrich an opportunity to prepare his report, and a corresponding one-week extension of the deadline for Netflix's reply report on damages. Netflix does not oppose the modification sought by Blockbuster.

Specifically, Blockbuster requests that the following deadlines be modified:

Description	Current Deadline	Proposed Deadline
Deadline for Blockbuster's responsive expert report on damages issues	May 18, 2007	May 25, 2007
Deadline for Netflix's reply report on damages issues	May 25, 2007	June 1, 2007

This one-week extension will not impact the expert discovery cut-off previously ordered by the Court. Therefore, the requested modification is not expected to effect the progress of this case towards trial.

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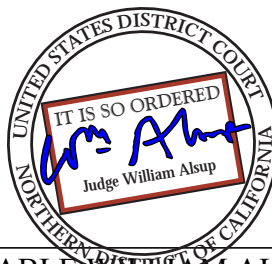
1 For the foregoing reasons, Blockbuster requests that the Court modify its Case
2 Management Order to extend the aforementioned discovery deadlines.

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4 Dated: May 11, 2007

BINGHAM MCCUTCHEN LLP

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6 By: Mary T. Huser /s/
7 Mary T. Huser
8 Attorneys for Defendant and Counterclaimant,
9 BLOCKBUSTER INC.

10 **IT SO ORDERED.**



14 Dated: May 14, 2007

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HONORABLE WILLIAM ALSUP
UNITED STATES DISTRICT COURT JUDGE

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